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| EXAMINER | |
|---|---|
| BAUGH, APRIL L | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2141 | |

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/757,904 | RYAN ET AL. | |
| | Examiner | Art Unit | |
| | April L. Baugh | 2141 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-30 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

Applicant has amended claims 1, 12, 16, 18, 21, 23, and 28-30, and therefore claims 1-30 is pending.

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5, 9-11, 16-17, 23-27, and 29 rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication No. 2002/0150096 to Sjoblom in view of Narayana et al., and further in view of Welch, Jr. et al.

Regarding claims 1, 16, 23, and 29, Sjoblom teaches a method and apparatus for capturing communication associated information (CAI) of a communication between a subject and an associate, the method comprising the steps of: intercepting the communication, the

communication comprising at least one packet and each packet comprising CAI; and reporting a first message to a Law Enforcement Agency (LEA) (abstract, fig.2 and 5-7, page 1, section 0003-0005, page 4, section 001-0073, and page 5, section 0077 and 0079-0080).

Sjoblom does not teach providing an application identifier (AID) in the at least one packet of the communication, the AID identifying the format of the CAI; extracting in accordance with the AID the CAI from the at least one packet for reporting. Narayana et al. teaches providing an application identifier (AID) in the at least one packet of the communication, the AID identifying the format of the CAI; extracting in accordance with the AID the CAI from the at least one packet for reporting (column 6, lines 45-56). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the ordered delivery of intercepted data by Sjoblom by providing an application identifier (AID) in the at least one packet of the communication, the AID identifying the format of the CAI; extracting in accordance with the AID the CAI from the at least one packet for reporting because depending on the application the CAI is provided in either Layer 3 or 7 of the packet and thus by identifying the type of application the system knows where to extract the CAI from without having to illegally search the whole packet including the communication content thus making the system legal and efficient.

Sjoblom in view of Narayana et al. does not teach determining whether the extracted CAI is a new instance of the CAI; and reporting a first message in response to a determination that the extracted CAI is the new instance of the CAI. Welch, Jr. et al. teaches determining whether the extracted CAI is a new instance of the CAI; and reporting a first message in response to a determination that the extracted CAI is the new instance of the CAI (column 1, line 47 through

column 2, line 9). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the ordered delivery of intercepted data by Sjoblom in view of Narayana et al. by determining whether the extracted CAI is a new instance of the CAI; and reporting a first message in response to a determination that the extracted CAI is the new instance of the CAI because a conversation is broken into multiple packets and transported and the system intercepts each packet and retrieves the CAI from that packet and stores it thus creating huge amounts of records and by determining whether a packet is a new instance and only transporting those that are reduces the amounts of records stored thus freeing system storage.

Regarding claim 2 and 24, Sjoblom in view of Narayana et al. teaches the method of Claim 1 and 23, (abstract, fig.2 and 5-7, page 1, section 0003-0005, page 4, section 001-0073, and page 5, section 0077 and 0079-0080 of Sjoblom).

Sjoblom in view of Narayana et al. does not teach wherein the method further comprises the steps of: determining whether a given amount of time has elapsed between packets of the at least one packet of the communication, the packets being identified by the CAI; and reporting a second message in response to a determination that the given amount of time has elapsed. Welch, Jr. et al. teaches wherein the method further comprises the steps of: determining whether a given amount of time has elapsed between packets of the at least one packet of the communication, the packets being identified by the CAI; and reporting a second message in response to a determination that the given amount of time has elapsed (column 1, line 47 through column 2, line 9). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the ordered delivery of intercepted data by Sjoblom in

view of Narayana et al. by wherein the method further comprises the steps of: determining whether a given amount of time has elapsed between packets of the at least one packet of the communication, the packets being identified by the CAI; and reporting a second message in response to a determination that the given amount of time has elapsed because a conversation is broken into multiple packets and transported and the system intercepts each packet and retrieves the CAI from that packet and stores it thus creating huge amounts of records and by determining whether a packet is a new instance and only transporting those that are reduces the amounts of records stored thus freeing system storage.

Regarding claim 3, 5, 11 and 17, Sjoblom in view of Narayana et al. teaches the method of Claim 1, 2, 4 and 16, (abstract, fig.2 and 5-7, page 1, section 0003-0005, page 4, section 001-0073, and page 5, section 0077 and 0079-0080 of Sjoblom).

Sjoblom in view of Narayana et al. does not teach wherein the first, second, and third message comprises at least one of a subject identifier, a time stamp indicating when the message was sent, the IP address of the subject, a packet direction indicator identifying whether the message was sent or received by the subject, the IP address of the associate, a first instance indicator identifying the new instance of the CAI, and a counter indicating the number of packets identified by the CAI seen since a last message. Welch, Jr. et al. teaches wherein the second message comprises at least one of a subject identifier, a time stamp indicating when the message was sent, the IP address of the subject, a packet direction indicator identifying whether the message was sent or received by the subject, the IP address of the associate, a first instance indicator identifying the new instance of the CAI, and a counter indicating the number of packets identified by the CAI seen since a last message (column 1, line 47 through column 2, line 9).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the ordered delivery of intercepted data by Sjoblom in view of Narayana et al. by wherein the second message comprises at least one of a subject identifier, a time stamp indicating when the message was sent, the IP address of the subject, a packet direction indicator identifying whether the message was sent or received by the subject, the IP address of the associate, a first instance indicator identifying the new instance of the CAI, and a counter indicating the number of packets identified by the CAI seen since a last message because a conversation is broken into multiple packets and transported and the system intercepts each packet and retrieves the CAI from that packet and stores it thus creating huge amounts of records and by determining whether a packet is a new instance and only transporting those that are reduces the amounts of records stored thus freeing system storage.

Regarding claim 4 and 25, Sjoblom teaches the method of Claim 1 and 23, (abstract, fig.2 and 5-7, page 1, section 0003-0005, page 4, section 001-0073, and page 5, section 0077 and 0079-0080 of Sjoblom).

Sjoblom in view of Narayana et al. does not teach wherein the method further comprises the steps of: determining whether a given number of packets of the at least one packet of the communication has been intercepted, the packets being identified by the CAI; and reporting a third message in response to a determination that the given number of packets identified by the CAI has been intercepted. Welch, Jr. et al. teaches wherein the method further comprises the steps of: determining whether a given number of packets of the at least one packet of the communication has been intercepted, the packets being identified by the CAI; and reporting a third message in response to a determination that the given number of packets identified by the

CAI has been intercepted (column 1, line 47 through column 2, line 9). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the ordered delivery of intercepted data by Sjoblom in view of Narayana et al. by wherein the method further comprises the steps of: determining whether a given number of packets of the at least one packet of the communication has been intercepted, the packets being identified by the CAI; and reporting a third message in response to a determination that the given number of packets identified by the CAI has been intercepted because a conversation is broken into multiple packets and transported and the system intercepts each packet and retrieves the CAI from that packet and stores it thus creating huge amounts of records and by determining whether a packet is a new instance and only transporting those that are reduces the amounts of records stored thus freeing system storage.

Regarding claim 9 and 26, Sjoblom teaches the method of Claim 1 and 23, (abstract, fig.2 and 5-7, page 1, section 0003-0005, page 4, section 001-0073, and page 5, section 0077 and 0079-0080 of Sjoblom).

Sjoblom does not teach wherein the method further comprises the step of: providing an AID-tag in the at least one packet of the communication, the AID-tag indicating the presence of the AID. Narayana et al. teaches wherein the method further comprises the step of: providing an AID-tag in the at least one packet of the communication, the AID-tag indicating the presence of the AID (column 6, lines 45-56). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the ordered delivery of intercepted data by Sjoblom by wherein the method further comprises the step of: providing an AID-tag in the at least one packet of the communication, the AID-tag indicating the presence of the AID

because depending on the application the CAI is provided in either Layer 3 or 7 of the packet and thus by identifying the type of application the system knows where to extract the CAI from without having to illegally search the whole packet including the communication content thus making the system legal and efficient.

Regarding claim 10 and 27, Sjoblom teaches the method of Claim 1 and 23, (abstract, fig.2 and 5-7, page 1, section 0003-0005, page 4, section 001-0073, and page 5, section 0077 and 0079-0080).

Sjoblom does not teach wherein the method further comprises the steps of: providing an AID-tag in the at least one packet of the communication, wherein the AID-tag indicates the presence of the AID, and wherein the AID-tag is located in the protocol field of the Network Layer 3. Narayana et al. teaches wherein the method further comprises the steps of: providing an AID-tag in the at least one packet of the communication, wherein the AID-tag indicates the presence of the AID, and wherein the AID-tag is located in the protocol field of the Network Layer 3 (column 6, lines 45-56). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the ordered delivery of intercepted data by Sjoblom by wherein the method further comprises the steps of: providing an AID-tag in the at least one packet of the communication, wherein the AID-tag indicates the presence of the AID, and wherein the AID-tag is located in the protocol field of the Network Layer 3 because depending on the application the CAI is provided in either Layer 3 or 7 of the packet and thus by identifying the type of application the system knows where to extract the CAI from without having to illegally search the whole packet including the communication content thus making the system legal and efficient.

3. Claims 6-8 rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication No. 2002/0150096 to Sjoblom in view of Narayana et al., and further in view of Welch, Jr. et al. as applied to claims 1-5, 9-11, 16-17, 23-27, and 29 above, and further in view of Applicant Admitted Prior Art (AAPA).

Regarding claim 6, Sjoblom in view of Narayana et al., and further in view of Welch, Jr. et al. teaches the method of Claim 1 (abstract, fig.2 and 5-7, page 1, section 0003-0005, page 4, section 001-0073, and page 5, section 0077 and 0079-0080 of Sjoblom).

Sjoblom in view of Narayana et al., and further in view of Welch, Jr. et al. does not teach wherein the AID is located in the Network Layer 3. AAPA teaches wherein the AID is located in the Network Layer 3 (page 2, line 26 – page 3, line 5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the ordered delivery of intercepted data by Sjoblom in view of Narayana et al., and further in view of Welch, Jr. et al. by wherein the AID is located in the Network Layer 3 because it is well known in the art that different applications store AID in various Network Layers and email service providers utilize Layer 3 to store AID (email being a form of network communication).

Regarding claim 7, Sjoblom in view of Narayana et al., and further in view of Welch, Jr. et al. teaches the method of Claim 1 (abstract, fig.2 and 5-7, page 1, section 0003-0005, page 4, section 001-0073, and page 5, section 0077 and 0079-0080 of Sjoblom).

Sjoblom in view of Narayana et al., and further in view of Welch, Jr. et al. does not teach wherein the AID is located in the protocol field of the Network Layer 3. AAPA teaches wherein the AID is located in the protocol field of the Network Layer 3 (page 2, line 26 – page 3, line 5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention

was made to further modify the ordered delivery of intercepted data by Sjoblom in view of Narayana et al., and further in view of Welch, Jr. et al. by wherein the AID is located in the protocol field of the Network Layer 3 because it is well known in the art that different applications store AID in various Network Layers and email service providers utilize Layer 3 to store AID (email being a form of network communication).

Regarding claim 8, Sjoblom in view of Narayana et al., and further in view of Welch, Jr. et al. teaches the method of Claim 1 (abstract, fig.2 and 5-7, page 1, section 0003-0005, page 4, section 001-0073, and page 5, section 0077 and 0079-0080 of Sjoblom).

Sjoblom in view of Narayana et al., and further in view of Welch, Jr. et al. does not teach wherein the AID is located in the optional field of the Network Layer 3. AAPA teaches wherein the AID is located in the optional field of the Network Layer 3 (page 2, line 26 – page 3, line 5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the ordered delivery of intercepted data by Sjoblom in view of Narayana et al., and further in view of Welch, Jr. et al. by wherein the AID is located in the optional field of the Network Layer 3 because it is well known in the art that different applications store AID in various Network Layers and email service providers utilize Layer 3 to store AID (email being a form of network communication).

4. Claims 12-15 and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication 2002/0150096 to Sjoblom in view of Welch, Jr. et al.

Regarding claims 12 and 28, Sjoblom teaches receiving least packet of the communication, each packet comprising communication associated information (CAI); reporting

the CAI to an LEA (abstract, fig.2 and 5-7, page 1, section 0003-0005, page 4, section 001-0073, and page 5, section 0077 and 0079-0080).

Sjoblom does not teach a method and apparatus for consolidating at least one packet of a communication between a subject and an associate. Welch, Jr. et al. teaches a method and apparatus for consolidating at least one packet of a communication between a subject and an associate, the method comprising the steps of: determining whether a packet is a new instance of the CAI; reporting the CAI in response to a determination that the packet is a new instance of the CAI; and reporting the CAI periodically in response to a determination that the packet is a subsequent packet (column 1, line 47 through column 2, line 9). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the ordered delivery of intercepted data by Sjoblom by consolidating at least one packet of a communication between a subject and an associate because a conversation is broken into multiple packets and transported and the system intercepts each packet and retrieves the CAI from that packet and stores it thus creating huge amounts of records and by determining whether a packet is a new instance and only transporting those that are reduces the amounts of records stored thus freeing system storage.

Regarding claim 13, Sjoblom teaches the method of claim 12 (abstract, fig.2 and 5-7, page 1, section 0003-0005, page 4, section 001-0073, and page 5, section 0077 and 0079-0080).

Sjoblom does not teach determining whether a packet is a new instance of the CAI is performed by comparing the CAI with a previous CAI. Welch, Jr. et al. teaches wherein the step of determining whether a packet is a new instance of the CAI is performed by comparing the CAI with a previous CAI (column 1, line 47 through column 2, line 9). Therefore it would have

been obvious to one of ordinary skill in the art at the time the invention was made to further modify the ordered delivery of intercepted data by Sjoblom by determining whether a packet is a new instance of the CAI is performed by comparing the CAI with a previous CAI because a conversation is broken into multiple packets and transported and the system intercepts each packet and retrieves the CAI from that packet and stores it thus creating huge amounts of records and by determining whether a packet is a new instance and only transporting those that are reduces the amounts of records stored thus freeing system storage.

Regarding claim 14, Sjoblom teaches the method of Claim 12 (abstract, fig.2 and 5-7, page 1, section 0003-0005, page 4, section 001-0073, and page 5, section 0077 and 0079-0080).

Sjoblom does not teach a method and apparatus for determining whether a packet is a new instance CAI is performed by allowing a given amount of time to elapse since the receipt the least one packet. Welch, Jr. et al. teaches wherein the step of determining whether a packet is a new instance CAI is performed by allowing a given amount of time to elapse since the receipt the least one packet (column 1, line 47 through column 2, line 9). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the ordered delivery of intercepted data by Sjoblom by determining whether a packet is a new instance CAI is performed by allowing a given amount of time to elapse since the receipt the least one packet because a conversation is broken into multiple packets and transported and the system intercepts each packet and retrieves the CAI from that packet and stores it thus creating huge amounts of records and by determining whether a packet is a new instance and only transporting those that are reduces the amounts of records stored thus freeing system storage.

Regarding claim15, Sjoblom teaches the method of claim 12 (abstract, fig.2 and 5-7, page 1, section 0003-0005, page 4, section 001-0073, and page 5, section 0077 and 0079-0080).

Sjoblom does not teach the CAI report comprises at least one of a subject identifier, a time stamp indicating when the message was sent, the IP address of the subject, a packet direction indicator identifying whether the message was sent or received by the subject, an associate identifier, a first instance indicator identifying the new instance of the CAI, and a counter indicating the number of packets identified by the CAI seen since a last report. Welch, Jr. et al. teaches wherein the CAI report comprises at least one of a subject identifier, a time stamp indicating when the message was sent, the IP address of the subject, a packet direction indicator identifying whether the message was sent or received by the subject, an associate identifier, a first instance indicator identifying the new instance of the CAI, and a counter indicating the number of packets identified by the CAI seen since a last report (column 1, line 47 through column 2, line 9). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the ordered delivery of intercepted data by Sjoblom by wherein the CAI report comprises at least one of a subject identifier, a time stamp indicating when the message was sent, the IP address of the subject, a packet direction indicator identifying whether the message was sent or received by the subject, an associate identifier, a first instance indicator identifying the new instance of the CAI, and a counter indicating the number of packets identified by the CAI seen since a last report because a conversation is broken into multiple packets and transported and the system intercepts each packet and retrieves the CAI from that packet and stores it thus creating huge amounts of records and by determining

whether a packet is a new instance and only transporting those that are reduces the amounts of records stored thus freeing system storage.

5. Claims 18, 21 and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication No. 2002/0150096 to Sjoblom in view of Narayana et al.

Regarding claims 18, 21, and 30, Sjoblom teaches a method and apparatus for in the at least one packet of a communication, comprising: communication associated information (CAI) and providing the application identifier to an LEA (abstract, fig.2 and 5-7, page 1, section 0003-0005, page 4, section 001-0073, and page 5, section 0077 and 0079-0080).

Sjoblom does not teach indicating the format of the CAI in a packet of communication. Narayana et al. teaches indicating the format of CAI in at least one packet of a communication, the method comprising the steps of providing an application identifier tag in the at least one packet, the application identifier indicating the presence of an application identifier and communication associated information (CAI); and providing the application identifier in the at least one packet, the application identifier indicating the format of the CAI (column 6, lines 45-56). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the ordered delivery of intercepted data by Sjoblom by indicating the format of the CAI in a packet of communication because depending on the application the CAI is provided in either Layer 3 or 7 of the packet and thus by identifying the type of application the system knows where to extract the CAI from without having to illegally search the whole packet including the communication content thus making the system legal and efficient.

6. Claims 19-20, and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication No. 2002/0150096 to Sjoblom in view of Narayana et al. as applied to claims 18, 21 and 30 above, and further in view of Applicant Admitted Prior Art (AAPA).

Regarding claim 19 and 22, Sjoblom in view of Narayana et al., and further in view of Welch, Jr. et al. teaches the method of Claim 18 and 21 (abstract, fig.2 and 5-7, page 1, section 0003-0005, page 4, section 001-0073, and page 5, section 0077 and 0079-0080 of Sjoblom).

Sjoblom in view of Narayana et al., and further in view of Welch, Jr. et al. does not teach wherein the application identifier tag is located in the protocol field of the Network Layer 3. AAPA teaches wherein the application identifier tag is located in the protocol field of the Network Layer 3 (page 2, line 26 – page 3, line 5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the ordered delivery of intercepted data by Sjoblom in view of Narayana et al., and further in view of Welch, Jr. et al. by wherein the application identifier tag is located in the protocol field of the Network Layer 3 because it is well known in the art that different applications store AID in various Network Layers and email service providers utilize Layer 3 to store AID (email being a form of network communication).

Regarding claim 20, Sjoblom in view of Narayana et al., and further in view of Welch, Jr. et al. teaches the method of Claim 18 (abstract, fig.2 and 5-7, page 1, section 0003-0005, page 4, section 001-0073, and page 5, section 0077 and 0079-0080 of Sjoblom).

Sjoblom in view of Narayana et al., and further in view of Welch, Jr. et al. does not teach wherein the application identifier is located in the optional field of the Network Layer 3. AAPA teaches wherein the application identifier is located in the optional field of the Network Layer 3

(page 2, line 26 – page 3, line 5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the ordered delivery of intercepted data by Sjoblom in view of Narayana et al., and further in view of Welch, Jr. et al. by wherein the application identifier is located in the optional field of the Network Layer 3 because it is well known in the art that different applications store AID in various Network Layers and email service providers utilize Layer 3 to store AID (email being a form of network communication).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to ordered delivery of intercepted data in general: Dikmen, Dikmen et al., Haumont, Hippelainen, Magnusson, Maillet et al., Cheng, McKibben et al., Lumme et al., Prieur, and Kung et al. (4 patents).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L. Baugh whose telephone number is 571-272-3877. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER